

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

QUATRIL SMITH,

Plaintiff,

Case No. 1:23-cv-609

v.

Honorable Ray Kent

UNKNOWN VOURHEES et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Saginaw County Correctional Facility (SRF) in Freeland, Saginaw County, Michigan, though the events giving rise to Plaintiff's action occurred at the Genesee County Jail in Flint, Genesee County, Michigan. Plaintiff sues the Genesee County Jail itself, as well as Deputies Unknown Vourhees, Unknown Party #1, Unknown Party #2, and Unknown Party #3. In his *pro se* complaint, Plaintiff alleges that Defendants used excessive force against him while he was incarcerated at the Genesee County Jail.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Genesee County. Defendants are public officials serving in Genesee County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Genesee County is within

the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: June 21, 2023

/s/ Ray Kent
Ray Kent
United States Magistrate Judge